

ices rendered the State  
of Texas at the State Juve-  
nile Training School at  
Gatesville \_\_\_\_\_ 2,411.36

GRAND TOTAL \_\_\_\_\_ \$686,123.27

Provided that where any money hereinabove appropriated to pay claims of persons or firms, where the money collected was deposited to a special account of a particular department, the amount herein appropriated shall be paid out of the respective fund to which the same was deposited.

Sec. 2. Wherever in this act an amount is appropriated to pay refund of corporate franchise taxes, corporate filing fees, gross receipts, taxes or to pay refunds to insurance companies, the account before being paid shall first be approved by the Attorney General as to legality and by the head of the Department to which the money was originally paid as to correctness of the claim.

Sec. 3. The fact that many of the items of this bill should be paid as promptly as possible creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be, and the same is hereby suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

#### SEVENTY-SECOND DAY.

Senate Chamber,  
Austin, Texas,  
May 19, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Hopkins.
Berkeley.	Hornsby.
Cousins.	Loy.
Cunningham.	Martin.
DeBerry.	Moore.
Gainer.	Neal.
Greer.	Oneal.
Hardin.	Parr.
Holbrook.	Parrish.

Patton.	Stevenson.
Poage.	Thomason.
Pollard.	Williamson.
Purl.	Woodruff.
Rawlings.	Woodul.
Russek.	Woodward.
Small.	

Prayer by Rev. Holt, Chaplain of the House.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Gainer.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

By an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the introduction of general bills during the last 90 days of the session was suspended and consent was granted to introduce the following resolution:

By Senators Greer, Neal, Thomason, Russek, Martin, Stevenson, Hardin, Pollard, Small Berkeley, Patton, Cousins, Woodruff, Beck, Loy, Moore, Purl, Poage, Gainer and DeBerry.

S. J. R. No. 30, Proposing to amend Article 7, of the Constitution of Texas by adding a new Section providing that the Legislature shall have power to provide that students within High School grade residing within School Districts having no High School, may attend High School in any other District; and that their tuition be paid by the State and the rate thereof to be fixed by the Legislature.

Read and referred to Committee on Constitutional Amendments.

#### Messages from the House.

Hall of the House of Representatives,  
Austin, Texas, May 18, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

H. C. R. No. 69, Directing the En-

rolling Clerk of the House to make certain corrections in H. B. No. 375.

S. B. No. 415, A bill to be entitled "An Act to provide two hundred thousand dollars (\$200,000), or as much thereof as may be necessary, of the appropriation made by Acts of the Forty-first Legislature, Third Called Session, Chapter 14, to be used for the payment of tuition of rural high school pupils; repealing all laws in conflict herewith, and declaring an emergency."

S. B. No. 481, A bill to be entitled "An Act regulating the patenting of lands formerly a part of Oklahoma, but awarded to the State of Texas by the Supreme Court of the United States in the case of The State of Oklahoma vs. The State of Texas. United States of America, Intervenor, which are now situated in Lipscomb, Hemphill, Wheeler, Collingsworth and Childress Counties; providing for the validating of titles thereto, and the means and manner thereof; providing for the keeping of records and the filing of instruments affecting title thereto, and for the admission of the same in evidence; providing for the adoption of rules and regulations by the Land Commissioner and generally for the enforcement hereof; making an appropriation for the purposes hereof; providing the effective date hereof, and declaring an emergency."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, May 19, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee report on S. B. No. 111 by a viva voce vote.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, May 19, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 502, A bill to be entitled "An Act directing the Attorney Gen-

eral of the State of Texas to investigate the facts and authorizing him to file a suit against the State of New Mexico to secure for the State of Texas its proportionate part of the waters of the Pecos River for irrigation and power, authorizing the employment of an Attorney specializing in irrigation law to assist the Attorney General in such suit, and appropriating money to pay the expense of such investigation and suit."

S. B. No. 507, A bill to be entitled "An Act to amend Section 1, Chapter 10, Acts of the 4th Called Session of the 41st Legislature; and declaring an emergency."

S. B. No. 469, A bill to be entitled "An Act amending Chapter 177, Acts of the Thirty-Ninth (39th) Legislature, Regular Session, Page 343, as amended by the Acts of the Forty-first (41st) Legislature, Regular Session, Chapter 221, page 472, as amended by the Acts of the Fifth (5th) Called Session of the Forty-first (41st) Legislature, Chapter 45, Page 185, relating to fur-bearing animals, by adding thereto Section 13-A, providing that the open season for fur-bearing animals shall be extended fifteen (15) days in Cottle County; and declaring an emergency."

S. B. No. 592, A bill to be entitled "An Act to amend Section 2, Chapter 22, Acts of the Second Called Session of the Forty-first Legislature, as amended by Chapter 24, Acts of the Fifth Called Session of the Forty-first Legislature; and declaring an emergency."

S. B. No. 511, A bill to be entitled "An Act authorizing and directing the Commissioner of the General Land Office of the State of Texas, to deed, convey, assign and/or transfer all right, title and interest of whatsoever class, kind or character, directly or indirectly, belonging to the State of Texas, in and to that tract of land known as the "Wayside State Park, Wayside, Texas, 120 acres" situated in the Palo Dura Canyon, Armstrong County, in the State of Texas, to H. G. Bowe of Swisher County, Texas; and declaring an emergency."

S. B. No. 627, A bill to be entitled "An Act to amend Section 5, of S. B. No. 309, Acts of the Regular Ses-

sion of the Forty-second Legislature; and declaring an emergency."

(With amendments.)

S. B. No. 629, A bill to be entitled "An Act providing for a rural school supervisor in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools in the county and work in cooperation with teachers; prescribing the salary of said supervisor and how it shall be paid; providing other things incidental to said purpose; and declaring an emergency."

S. B. No. 618, A bill to be entitled "An Act to amend Article 1641 by adding thereto another section, to be known as Article 1641-A, providing for the making of audits of counties of a certain population by Grand Juries and the State Auditor; providing generally the means and manner thereof; and declaring an emergency."

H. B. No. 1060, A bill to be entitled "An Act making it lawful to hunt wild deer with one dog in the counties of Jasper, Newton and Orange, Texas, during the open season for each year for a period of five years, and declaring an emergency."

The House has refused to adopt the Free Conference Committee Report on Senate Concurrent Resolution No. 45 and requests the appointment of a new conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Patterson, Mrs. Moore, Adams of Harris, O'Quinn, and Burns of Walker.

The House has passed the following bills:

H. B. No. 514, A bill to be entitled "An Act to amend Article 7068 of the Revised Civil Statutes of 1925, and declaring an emergency."

S. B. No. 240, A bill to be entitled "An Act to amend Article 396, Revised Civil Statutes of Texas, 1925, by adding thereto Subdivisions A and B requiring bank and trust companies to segregate assets held in a fiduciary capacity from the general assets of the bank, to keep a separate set of books and records showing in detail all transactions engaged in under Article 396, Re-

vised Civil Statutes of Texas, 1925, providing that funds deposited or held in trust awaiting investment shall be carried in a separate account and not to be used by the bank in the conduct of its business unless it shall first set aside in the trust department United States bonds or other securities approved by the State Banking Board, and giving the owner of the funds held in trust for investment a lien on to their claim against the bank, making it unlawful for any bank and trust company to lend any trust funds to any officer, director or employee and for any such parties to borrow any such trust funds, and providing a penalty therefor."

S. B. No. 220, A bill to be entitled "An Act creating the office of criminal district attorney in those counties which constitute at least one and not more than two separate judicial districts within themselves in which there is not now a district attorney; providing that the present county attorney in those counties, who performs the duties of county and district attorney, shall qualify as criminal district attorney, remain in office and take the oath and give the bond required of district attorneys by the Constitution and laws of Texas, organize their forces and continue the work as criminal district attorney until their successors are elected and qualified; providing for the election of a criminal district attorney by the next general election; providing for the qualifications and oath of said criminal district attorney; and providing that such officers shall be commissioned by the Governor; providing that county attorneys affected by this Act shall hereafter be known as criminal district attorneys; providing for the powers, duties and compensation of such officers, etc., and declaring an emergency."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, May 19, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments

to House Bill No. 1011 by a vote of 104 yeas, 1 Nay.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, May 19, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 223, A bill to be entitled "An Act amending Article 2666 of the Revised Statutes of Texas of 1925, said Article relating to new school districts created at eleemosynary institutions in emergency."

(With amendments.)

S. B. No. 279, A bill to be entitled, "An Act to amend Section 4, 5, 6, 7, 8, 9, 10, and 18 of Chapter 282, S. B. No. 82, Acts of the Regular Session, Forty-first Legislature, and declaring an emergency."

(With amendments.)

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, May 19, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Conference Committee Report on S. B. No. 5 by a vote of 107 yeas and 2 nays.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, May 19, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a Conference Committee to consider the differences between the two Houses on Senate Bill No. 263. The following are conferees on the part of the House:

Sanders, Gilbert, Rountree, Warwick, and Satterwhite.

The House has adopted the following resolution:

H. C. R. No. 70, Directing the Enrolling Clerk of the House to correct errors in H. B. No. 434.

The House passed the following bills:

S. B. No. 163, A bill to be entitled "An Act to amend Section 23 of an Act authorizing the creation of corporations for the purpose of compiling and or/owning an abstract plant, approved February 27th, 1929, and being Chapter 40, of the Acts of the Regular Session of the Forty-first Legislature, by substituting liability on directors instead of on stockholders, and declaring an emergency."

S. B. No. 170, A bill to be entitled "An Act to provide for the location, establishment and maintenance of an institution for the examination, care, treatment, and incarceration of insane, mentally deficient persons who have been indicted or convicted of a felony, and defining conditions of admission thereto; and to provide for the examination and scientific study of prisoners to determine the mental and nervous condition, making this institution a part of the Prison System of Texas, and defining the duties of certain officers in respect to said institution; and declaring an emergency."

(With amendments.)

S. B. No. 184, A bill to be entitled "An Act validating the surveys of all lands heretofore and hereafter made and returned to the General Land Office which surveys are located in whole or in part within the corporate limits of any city, town, or village within this State; vesting the title of lands included within the lines of said surveys as returned to the General Land Office in the parties or which same were made and their heirs, successors and assigns."

(With amendments.)

S. B. No. 194, A bill to be entitled "An Act to authorize the Texas Prison System, by and with the consent of the Governor and the Attorney General, to grant and lease to districts, companies, firms, and individuals carrying on, or formed for the purpose of carrying, an irrigation business, rights-of-way for irrigation canals, laterals, flumes, and ditches, not over 150 feet in width, along, across and over lands owned by the State as a part of the Penitentiary System; and declaring an emergency."

S. B. No. 201, A bill to be entitled "An Act making it an offense for any person to manufacture, sell, break,

open or explode in this State any bomb, shell or any other device containing any gas, air, or other substance which stinks or is repulsive to smell, and which is constructed and designed to emanate the same making exceptions, prescribing fines, penalties and punishment, and declaring an emergency."

S. B. No. 203, A bill to be entitled "An Act more adequately providing for State parks, providing a means by which the State Parks Board may earn revenue in concessions and concession contracting; enacting provisions and providing all things necessary and incidental to said subject and purpose; making an appropriation to carry out the purpose of this Act and the laws of this State in reference to State parks and the State Parks Board; and declaring an emergency."

S. B. No. 218, A bill to be entitled "An Act amending Article 4725 of the Revised Civil Statutes of 1925; designating the securities in which the funds of life insurance companies may be invested; providing that if a domestic life insurance company reinsures the business and taken over the assets of another life insurance company, either domestic or foreign, the reinvestment of such company so taken over and reinsured, if authorized, when made, by the laws of the State of its incorporation, shall be considered as valid securities of the domestic company so taking it over."

(With amendments.)

S. B. No. 165, A bill to be entitled "An Act regulating corporations heretofore created and hereafter created having for their purpose or purposes any or all the powers now authorized in Sub-division 48, 49 or 50 of Article 1302, Revised Civil Statutes of Texas, 1925, and corporations heretofore or hereafter created having for their purpose or purposes any or all powers now authorized in Chapter 275, Senate Bill No. 232 of the Regular Session of the 40th Legislature; providing for the examination of such corporations and the publication of financial statements; providing for the security of obligations of such corporations offered for sale; providing for fidelity bonds of employees; regulating foreign corporations for similar purposes; providing for liquidation of such corporations; repealing Articles

1520 to 1524 inclusive and declaring an emergency."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, May 19, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee Report on Senate Bill No. 31 by a viva voce vote.

That the House has passed the following bills:

H. B. No. 1053, A bill to be entitled "An Act making an emergency appropriation of money to the State Treasurer; providing the purposes thereof, the means and manner of expenditure, and declaring an emergency."

S. B. No. 207, A bill to be entitled "An Act to amend Section 7 of Article 8308, Revised Statutes of 1925, by adding thereto the provision that any employer of labor in this State who may be subject to the terms of the Workmen's Compensation Law or to the terms of the Longshoremen's and Harbor Workers' Compensation Act of the United States may become a subscriber to the Association; and to amend Section 21 of Article 8308, Revised Statutes of 1925, as amended by Acts of 1927, Fortieth Legislature, p. 359, Chapter 241, by inserting after the words 'or by any judgment of a court' the words 'of equity or,' so that said section shall provide that the Association shall also pay to the subscriber who has complied with its rules the full amount of any judgment of a court of equity which the subscriber has had to pay any employee for personal injuries sustained in the course of his employment; and declaring an emergency."

S. B. No. 208, A bill to be entitled "An Act to amend Article 4907, Revised Statutes of 1925, by striking out the words 'Chapter 18 of this title' following the words 'contemplated and provided for by' and inserting in lieu thereof the words 'Title 130, known as the Workmen's Compensation Law' and adding thereto the provision that the said commission shall make, establish and promulgate all classifications of haz-

ards and rates of premium applicable to, contemplated and provided for by the 'Longshoremen's and Harbor Workers' Compensation Act' as enacted by the Congress of the United States; and declaring an emergency.'

S. B. No. 490, A bill to be entitled "An Act providing for the election of a district attorney in the 18th Judicial District of Texas and declaring an emergency."

H. B. No. 803, A bill to be entitled "An Act directing the Treasurer of the State of Texas to pay to Henry W. Baylor, William F. Hardeman, George W. Baylor, Charles W. McFaddin, Oscar D. Baker, George S. Stockley, Sidney J. Baylor, Leon Heard, Wyatt Heard, James Whitecotton, Mrs. Mittie A. Smith, Mrs. Alexander Wilkerson, Mrs. John H. Affleck and Mrs. Sarah Cunningham, each the sum of \$360; said persons being members, or the surviving wives of deceased members of the Montel Guards, officially designated as Company "G," First Texas Cavalry, etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### House Bills Referred.

H. B. No. 514 referred to Committee on Criminal Jurisprudence.

H. B. No. 803 referred to Committee on Finance.

H. B. No. 1053 referred to Committee on Finance.

#### S. C. R. No. 54.

Senator Woodruff sent up the following resolution:

Be it Resolved by the Senate of the State of Texas, the House of Representatives concurring: That the Regular Session of the 42nd Legislature of the State of Texas stand adjourned sine die at 12:00 o'clock Noon, May 29, 1931, H. C. R. No. 46 to the contrary notwithstanding.

WOODRUFF.

The resolution was read.

Senator Poage sent up the following substitute for the resolution:

Whereas, It is now apparent that the Regular Session of the Forty-second Legislature will not be able to complete its labors by the twenty-

second day of May, the date heretofore fixed for sine die adjournment, and

Whereas, Should this Legislature adjourn on that date it would result in the loss of a tremendous amount of work already done and in the practical certainty of a special session, and

Whereas, A special session would be more expensive to the State of Texas and would not be as efficient as an extension of the Regular Session, and

Whereas, It is the desire of the members of both Houses that the State be saved all of the expense possible and the members of the Legislature are willing to forego for themselves the additional compensation and mileage which they would receive by reason of a special session; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That H. C. R. No. 46 be and the same is hereby repealed and held for naught, and that both Houses of the Legislature agree and consent that on the twenty-second day of May, 1931, the other House may and shall adjourn for a period of more than three days without pay, to-wit until the twenty-second day of June, 1931, on which date both Houses shall continue the Regular Session of the Forty-second Legislature until such date as may thereafter be fixed for sine day adjournment.

POAGE.

The substitute was read.

On motion of Senator Woodul, the resolution and the substitute were laid on the table subject to call until tomorrow morning.

#### House Bill No. 415.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Finn, Mr. Keller, Mr. Walker, Mr. Ray and Mr. Sherrill, et al.:

H. B. No. 415, A bill to be entitled "An Act amending Article 6673, Chapter 1, of Title 116, of the Revised Civil Statutes of Texas, and providing for the control of State highways of Texas, and providing that no change in the routing of highways already designated within towns and cities of more than two

hundred (200) population shall be changed without the consent of the commissioners' court of the county wherein said town or city is situated, and declaring an emergency."

The bill was read second time and passed to third reading by the following vote:

## Yeas—18.

Berkeley.	Parrish.
Cunningham.	Patton.
Gainer.	Poage.
Hopkins.	Purl.
Hornsby.	Rawlings.
Martin.	Russek.
Neal.	Small.
Oneal.	Thomason.
Parr.	Woodruff.

## Nays—8.

Cousins.	Pollard.
Hardin.	Woodul.
Holbrook.	Woodward.
Loy.	Williamson.

## Absent.

Beck.	Moore.
DeBerry.	Stevenson.
Greer.	

On motion of Senator Woodruff, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 415 was put on its third reading and final passage by the following vote:

## Yeas—24.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Poage.
Greer.	Pollard.
Hardin.	Purl.
Hopkins.	Rawlings.
Hornsby.	Russek.
Loy.	Small.
Martin.	Thomason.
Neal.	Woodruff.
Oneal.	Woodward.

## Nays—2.

Holbrook.	Williamson.
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## Absent.

Beck.	Stevenson.
DeBerry.	Woodul.
Moore.	

Read third time and finally passed.

## Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

S. B. No. 415.	H. C. R. No. 68.
S. B. No. 83.	S. B. No. 490.
H. B. No. 1039.	H. J. R. No. 21.
H. B. No. 979.	H. B. No. 415.

## House Bill No. 358.

The Chair laid before the Senate as special order the following bill:

By Mr. Wagstaff:

H. B. No. 358, A bill to be entitled "An Act to amend Articles 5353, 5354, 5358 and 5364, Division 2, Chapter 4, of the Revised Civil Statutes of 1925, relating to the sale of oil and gas leases on coastal areas and unsold unsurveyed school land, so as to include unsold surveyed school land, etc., and declaring an emergency."

The committee report was adopted.

Read second time.

Senator Small sent up the following amendment:

## Proposed Amendment to H. B. 358.

(Ordered printed in the Journal on motion of Senator Small.)

Amend House Bill No. 358 by striking out all below the enacting clause, and inserting in lieu thereof the following:

Section 1. All lands heretofore set apart to the public free school funds under the constitution and laws of Texas, and all of the unappropriated and unsold public domain remaining in this State of whatever character, except river beds and channels, and islands, lakes and bays, and other areas within tide water limits, are subject to control and sale under the provisions of this Act.

Sec. 2. Surveyed public free school land may be sold by the Commissioner on the first day of any month to the person offering the highest price for it after the same has been advertised for sale in accordance with this Act and the provisions of subdivision 2 of Chapter 3, Title 86, Revised Civil Statutes, 1925, relating to school land, provided that all such land within five

miles of a well producing oil or gas in commercial quantities shall be subject to lease only, and the surface rights shall not be sold.

Sec. 3. Surveyed land within the terms of this Act is defined to be all tracts or parts of tracts heretofore surveyed either on the ground or by protraction, and set apart for the public school funds and which is unsold, and for which field notes are on file in the General Land Office or which may be delineated on the maps of said Office as such, and unsurveyed land is defined to be all areas not included in surveys on file in the General Land Office or surveys delineated on the maps thereof.

Sec. 4. All land shall be sold without condition of settlement and with a reservation of one-sixteenth ( $\frac{1}{16}$ ) of all minerals, as a free royalty to the State, which two conditions shall be expressed in the application to purchase and in the notice of award, the minimum price to be fixed by the Commissioner and in no case to be less than One Dollar (\$1.00) an acre.

Sec. 5. Any headright survey, homestead donation, pre-emption survey, script survey or other survey heretofore awarded or sold, which survey has been held and claimed in good faith by any party for a period of ten years prior to the date of application for patent and which surveys cannot be patented under existing laws, may be patented on payment of one dollar an acre to the Land Commissioner. In such cases the patent shall be issued to the owner now of record in the General Land Office and insure distributively to the true and lawful owners of the land, provided that in all cases where a tract of school land has been occupied by mistake as a part of another tract, such occupant shall have a preference right for a period of six months after the discovery of the mistake, or after the passage of this Act, to purchase the land at the same price paid or contracted to be paid for the land actually conveyed to him.

Sec. 6. Any one desiring to buy any of the unsurveyed land included in this Act not situated within five miles of a producing oil or gas well shall file with the county surveyor of the county in which the land may be situated, an application for sur-

vey describing the land in such manner as will enable the surveyor to identify it and pay the surveyor a fee of one dollar for filing and recording said application and also deposit with him such sum of money as will pay for citing the claimant or claimants of the land, if any, and the adjoining owners as the tax rolls may disclose the names of such claimants or adjoining owners. The surveyor using the forms prescribed by the General Land Office, shall immediately send by registered mail or hand to each claimant or adjoining owner a citation containing a description of the land sought to be surveyed and fix a date for survey. The survey shall be made and the field notes filed in the Land Office within one hundred and twenty days from the filing of the application with the surveyor. If the area is found by the Commission to be unsurveyed and subject to sale, he shall value the land and give notice of the valuation to the applicant who may purchase the land on the same terms and conditions as prescribed by the law and the regulations for the sale of surveyed land; provided, if the area should be in the enclosure of another person claiming it in good faith, or occupied as a home by another, such holder or occupant shall have a preference right for a period of sixty days after service of citation to have the land surveyed on his own application to the surveyor and on the return of the sum advanced by the first applicant for citation, and thereupon fix his right to purchase as herein provided, and in cases where a survey has been made in accordance with Article 5323 Revised Civil Statutes of 1925, and the field notes returned to the Land Office prior to August 10, 1929, the Commissioner is authorized and required to examine the field notes and if found to be correct and the land subject to sale, he shall value the same and give notice of such valuation to the applicant, and in cases where the field notes had been approved and the land valued and the applicant failed to file his application in the Land Office prior to August 10, 1929, he may do so within ninety days from the passage of this Act and receive an award. All applications to purchase, except where otherwise provided, must be filed in the General Land Office within sixty days from



the date of the notice of valuation. All applications filed with the Land Commissioner subsequent to June 1, 1927, and prior to October 10, 1929, expressing a desire to purchase unsurveyed public school land, where the official map of the Land Office shows the area applied for not to be included within the boundaries of any previous survey, and an answer that no vacancy existed has been given by the Land Office, are hereby recognized, and all rights thereunder preserved, and the applicant may have the land surveyed by an authorized surveyor of the State. The survey shall be made, and the field notes, together with plat and a report of the surveyor, shall be filed in the Land Office within ninety days after this Act takes effect, and proceedings shall then be had in accordance with the provisions of law in force at the time of the filing of his application of inquiry with the Land Commissioner.

Sec. 7. From and after the passage of this Act, all unpaid and delinquent interest on sales of Public School Land, and annually on November 1st of each year as it becomes delinquent, all unpaid interest on Public School Land sales, shall bear interest at the rate of five per cent, compounded annually as it accrues on November 1st of each year; and no patent shall be issued upon any land until all compounded interest shall be paid to the time of issuing patent.

Sec. 8. Lands subject to lease: All islands, salt water lakes, bays, inlets, marshes and reefs owned by the State within tide water limits, and that portion of the Gulf of Mexico within the jurisdiction of Texas, and all unsold public free school land, both unsurveyed and unsurveyed, shall be subject to lease by the Commissioner to any person, firm or corporation for the production of the minerals, except gold, silver, platinum, cinnibar and other metals, that may be therein or thereunder, in accordance with the provisions of this Act and subdivision 2, Chapter 4, Title 86, Revised Statutes of 1925, relating to leasing public areas, insofar as same is not in conflict herewith.

Any person who discovers an unsurveyed area of school land which has not been listed on the records of the Land Office as school land, and is not

in actual conflict on the ground with land previously sold or appropriated and which appears on the official Land Office map as unsurveyed land, may apply in writing to the county surveyor and have the same surveyed, and after the field notes thereof have been returned to the Land Office and approved and filed by the Land Commissioner, shall have a preference right, for sixty days thereafter, to purchase a mineral lease thereon at the minimum price fixed by the Land Commissioner upon approval of the field notes, in addition to the other consideration provided herein.

Sec. 9. Notice for bids: The Commissioner shall fix the minimum price of not less than One Dollar (\$1.00) per acre to be paid, and the day and hour when an area or areas will be subject to lease, and advertise or re-advertise such areas at least thirty days before such lease date, except as provided in case of tie bids, under Article 5356 of the Revised Statutes of 1925. The Commissioner may give such notice by distributing printed lists as provided for sales of surface rights of public lands.

Sec. 10. Terms of lease: The areas included herein shall be leased for a consideration, in addition to the cash amount bid therefor, of not less than one-eighth of the gross production of oil, or the value of same, that may be produced and saved, and not less than one-eighth of the gross production of gas, or the value of same, that may be produced and sold off the area, and not less than one-sixteenth of the value of all other minerals that may be produced, and an additional sum of twenty-five cents an acre per year for each year thereafter until production is secured. When production has been secured in commercial quantities and the payment of royalty begins and continues to be paid, the owner shall be exempt from further annual rental payments on the acreage. The provisions of this Article in respect to payments of rental after production and the cessation of production shall apply to leases heretofore issued by the State on any area except lands belonging to the State University and eleemosynary institutions. If production should cease and royalty not be paid, the owner of the lease shall, at the end of the lease year in which royalty ceased to be paid, and annually thereafter in advance, pay twenty-five cents per acre so long as such owner

may desire to maintain the rights acquired under the lease, not to exceed five years from the date of said lease.

Sec. 11. All payments received by the Commissioner of the general land office shall be transmitted to the State Treasurer to be credited to the proper funds. All payments for land and for mineral leases and rentals thereon, and for royalties on minerals produced, shall be credited to the permanent school fund, and all interest collected hereunder shall be credited to the available school fund. Payments received on purchase price of a tract of land shall be credited to the permanent school fund, and all payments of interest and rentals shall be credited to the available school fund; and all payments constituting the purchase price of a lease for minerals shall be transmitted to the State Treasurer to the credit of the permanent school fund, and likewise all payments of royalty received from minerals sold under leases as well as all rentals shall be credited to the permanent school fund.

Sec. 12. Any person or corporation desiring to prospect a tract of land or a part of a tract belonging to the State for gold, silver, platinum, cinnabar and other metallic ores and precious stones may file an application with the Commissioner of the Land Office designating the area to be prospected and such applicant shall have a period of one year from date of filing such application within which to prospect the area designated. Within the period of said year he may file an application to lease the area designated for the purpose of mining gold, silver, platinum, cinnabar and other metallic ores and precious stones and remit fifty cents an acre as first annual payment of rental on the lease and continue to make such payments from year to year for a period of five years unless some of the minerals mentioned herein shall be discovered sooner in paying quantities. On discovery of any of such minerals, the payments of such rental shall cease. On the twentieth day of each month the owner of the mine or mines shall pay the royalty due the State which shall be one-sixteenth of the value of the minerals sold or moved off the premises. Such payments shall be remitted to the Commissioner of the General Land Office and credited to the account of the permanent

school fund. The leases shall be drawn and the mines operated in accordance with regulations prescribed by the Governor, Attorney General and Commissioner of the General Land Office.

Sec. 13. That Articles 5323, 5338 and 5374 Revised Civil Statutes 1925, and all other laws or parts of laws in conflict herewith are hereby repealed.

Sec. 14. That the importance of this legislation creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

SMALL.

The amendment was read.

Senator Oneal sent up the following amendment to the amendment:

Amend Section 10 of the amendment to House Bill 358 by adding after the word "same" in the 6th line of the printed bill on page 1622 of the Senate Journal, the following:

"and not less than one-eighth (1/8) of the gross production of sulphur of the value of same that may be produced."

ONEAL.

Read and adopted.

Senator Oneal sent up the following amendment to the amendment:

Amend Small amendment to House Bill No. 358 by adding at the end of Section Four and as part of said section, the following:

"Provided that one-eighth (1/8) of all sulphur and other mineral substances from which sulphur may be derived or produced shall be reserved as a free royalty to the State."

ONEAL,  
LOY,  
POAGE.

Read and adopted.

The amendment as amended was adopted.

The bill was passed to third reading.

On motion of Senator Small, the constitutional rule requiring bills to be read on three several days was

suspended and H. B. 358 was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time.

Senator Small sent up the following amendment:

Committee Amendment No. 2.

Amend House Bill No. 358 by striking out all above the enacting clause, and submitting the following:

#### A BILL

#### To Be Entitled

An Act to regulate the sale and lease of lands set apart for the benefit of the public free school fund, and to set apart certain areas for the public free school fund, and to provide for the disposition and sale of minerals contained in all islands, salt waters, lakes, bays, inlets, marshes and reefs owned by the State within tide water limits, and that portion of the Gulf of Mexico within the jurisdiction of Texas, and all unsold public free school lands, both surveyed and unsurveyed; providing for prospecting for gold, silver, platinum, cinnibar, and other metallic ores and precious stones, and the lease of lands therefor; providing for the disposition of the proceeds from such sales and leases; providing for interest upon past due interest; providing for the issuance of muniments of title; providing for the issuance of patents on certain headright, homestead, pre-emption and scrip surveys; prescribing preferences and forfeitures; defining surveyed and unsurveyed land; providing generally the method and means for

the sale of public school lands, and the lease and development of the public school lands and coastal areas; repealing Articles 5323, 5338 and 5374; and all laws and parts of laws in conflict herewith; and declaring an emergency.

SMALL.

Read and adopted unanimously.

The bill was finally passed by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

#### Conference Committee Report.

Senator Williamson sent up the following Conference Committee report:

Committee Room,

Austin, Texas, May 18, 1931.

Hon. Edgar E. Witt, President of the Senate,

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee on Senate Bill No. 31, appointed to adjust the differences between the House and Senate on said bill, beg leave to report that we have agreed upon the differences between the two Houses on said bill and recommend that the following bill be adopted.

WILLIAMSON,  
RAWLINGS,  
PATTON,  
HOPKINS,  
PARRISH,

On the part of the Senate,

JOHNSON of Dimmit,  
HOLLAND,  
DeWOLFE,  
ADAMSON,

On the part of the House.

By Williamson. C. S. S. B. No. 31.

# A BILL

## To Be Entitled

An Act to amend Section 16, Senate Bill 11, Chapter 42, General Laws of the Second Called Session of the 41st Legislature; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 16, Senate Bill No. 11, Chapter 42 of the General Laws of the Second Called Session of the 41st Legislature shall read hereafter as follows:

"Sec. 16. To insure the adequate enforcement of this Act and all other laws relating to vehicles and their use on the public highway, the State Highway Department is hereby authorized to and shall employ one hundred twenty (120) State Highway Patrolmen, in which shall be included all License and Weight Inspectors now authorized by law, who shall be charged with the duty of strictly enforcing said laws. Included in said number shall be one (1) Chief, five (5) Captains, five (5) Lieutenants, five (5) Sergeants, and one hundred four (104) Privates. There shall also be employed one (1) Secretary, two (2) Stenographers, two (2) Typists, and four (4) File Clerks. All salaries shall be fixed by the Legislature and paid in twelve (12) equal monthly installments, and sufficient funds are hereby appropriated out of, and the Highway Commission is hereby authorized to use sufficient money out of, the State Highway Fund to pay for equipment, and all reasonable and necessary expenses for the proper functioning of said State Highway Patrol, including the establishment and maintenance of a Training School for State Highway Patrolmen. It is further provided, that before a State Highway Patrolman is permanently appointed, he shall take a course consisting of at least seven weeks' training in this school. Said patrolmen when appointed shall be given a Commission signed by the Chairman and one other member of the State Highway Commission and attested by the Chief of the Department, and anywhere in this State they shall be charged primarily with the duty of enforcing all the State Laws relating to vehicles and traffic on the public highways; and they

are also vested with all the rights and powers of peace officers, to pursue and arrest any person for any offense when said person is found on the highway. All such persons appointed to the office of Highway Patrol in this State shall before entering upon the duties of such office take and subscribe to the oath as prescribed in the Constitution of this State and shall make and execute a good and sufficient bond in the sum of One Thousand (\$1,000.00) Dollars, payable to the Governor of this State and his successors in Office, with two or more good and sufficient sureties, conditioned that he will fairly and faithfully perform all the duties as may be required of him by law and that he will fairly and impartially enforce the law of this State and that he will pay over any and all moneys or turn over any and all property to the proper person legally entitled to same that may come into his possession by virtue of such Office. Said bond shall not be void for the first recovery, but may be sued on from time to time in the name of any person injured until the whole amount thereof is recovered. It shall be unlawful and constitute a misdemeanor for any person or persons to impersonate a State Highway Patrolman or to use any badge or operate any vehicle with the words "State Highway Patrol," "State Highway Police" or any other wording on such badge or vehicle that would cause anyone to believe that such person or persons were State Highway Patrolmen, except officers duly appointed by the State Highway Department.

"Sec. 16a. The State Highway Patrol, License and Weight Inspectors, Headlight Division and any other Law Enforcement Agencies now in existence or hereafter created in connection with the Highway Department shall be known as the Law Enforcement Division of the Highway Department. This Division shall be under the Chief of the Highway Patrol as the Executive Head who shall work directly under and be responsible to the Highway Commission only.

"Sec. 16a-1. Each and every employee regardless of designation of name as mentioned in this Act shall be required to take a special oath, swearing that so long as he is connected with the Highway Depart-

ment he will not take any part in promoting the candidacy of any candidate for public office, by contributing his time, influence or contribute any money or valuable thing, but nothing shall be construed as denying any citizen the right to cast his individual vote for candidates for public office.

"Sec. 16a-2. Any person guilty of violating the provisions of Section 16a-1 shall be discharged from employment by the State and shall not be eligible to hold office under this Act for a period of five years.

"Sec. 16a-3. A reasonable number of said Patrol shall be assigned at least in part to night duty.

Sec. 2. The importance of this measure for the benefit of public safety and protection of the highways create an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule requiring Bills to be read on three several days in each House and said Rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Read and adopted by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Galner.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

#### Conference Committee Report.

Senator Thomason sent up the following Conference Committee report:

Committee Room,  
Austin, Texas, May 17, 1931.  
Hon. Fred H. Minor, Speaker of the House of Representatives.  
Hon. Edgar E. Witt, President of the Senate.

Sirs: We, your Conference Committee appointed by your respective

bodies to adjust the differences between the House and the Senate on Senate Bill 111 have had same under consideration and beg leave to report the following bill:

By Thomason.

S. B. No. 111.

#### A BILL

#### To Be Entitled

An Act to amend Article 880 of the Penal Code of 1925.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 880 of the Penal Code of the State of Texas be so amended that the same shall hereafter read as follows:

Article 880. Hunting With Dogs. It is hereby declared unlawful for any person or persons to make use of a dog or dogs in the hunting or pursuing or taking of any deer. Any person or persons owning or controlling any dog or dogs, and who permits or allows such dog or dogs to run, trail or pursue any deer at any time, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum of not less than Twenty Five (\$25.00) Dollars and not more than Two Hundred (\$200.00) Dollars; Provided, however, that this article shall not apply to the counties of Matagordia, Wharton, Jackson and Fort Bend. And, provided, further, that it shall be lawful to use one dog for the purpose of trailing a wounded deer in the counties of Kimble, Sutton, Edwards, Medina, Dimmit, Uvalde, Zavala, Kerr, Mason, Gillespie, Tom Green, Shackelford, San Saba, Llano, Blanco, Burnet, Bandera, Comal, Real, Kendall, Wharton, Schleicher, Crockett, Guadalupe, Jackson, Wilson, Concho, Karnes, Jones, Atascosa, Baylor, Bexar, Brewster, Caldwell, Denton, DeWitt, Frio, Gonzales, Haskell, Hays, Hidalgo, Jack, Kaufman, Kinney, Lampasas, LaSalle, Lavaca, Live Oak, Matagorda, Maverick, McCulloch, McMullen, Palo Pinto, Smith, Stephens, Tarrant, Terrell, Throckmorton, Travis, Val Verde, Webb, Young and Zapata.

Respectfully submitted,

THOMASON,  
DeWOLFE,  
STEVENSON,  
GILBERT,  
SANDERS,  
PETCH.

On part of the House.

THOMASON,  
PATTON,  
GREER,  
MARTIN.

On part of the Senate.

Read and adopted by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

S. C. R. No. 55.

Senator Parr sent up the following resolution:

Whereas, the chair in the Governor's office used by Governor Dan Moody for four years as Governor is not being used in the Governor's office, and

Where, Governor Dan Moody used this chair for four years as Governor of Texas and is very anxious to purchase same from the State of Texas,

Now, therefore, be it resolved by the Senate of Texas, the House of Representatives concurring,

That, a committee composed of one Senator, to be appointed by the Lieutenant Governor, and two members of the House of Representatives, to be appointed by the Speaker of the House, be authorized to place a value on said chair and to execute a bill of sale to Governor Dan Moody for said chair on payment of the value placed by said committee on said chair, and that the money collected for said chair be deposited in the State Treasury to the credit of the General Fund of the State of Texas.

PARR.

Read and adopted.

The Chair appointed Senator Parr on the part of the Senate.

S. C. R. No. 53.

The Chair laid before the Senate, H. C. R. No. 53, Authorizing the American National Bank, Austin, to sue the State.

The resolution was read.

Senator Purl moved to refer the resolution to the Committee on Finance.

Motion to Concur.

Senator Small moved to concur in the House amendment to S. B. No. 481. The motion prevailed by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Conference Committee Requested.

On motion of Senator Greer, the Senate refused to concur in House amendment to S. B. No. 263 and requested the appointment of a Conference Committee.

Recess.

On motion of Senator Woodruff, the Senate, at 12:07 o'clock p. m., recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

House Bill No. 835.

The Chair laid before the Senate the following bill:

By Mr. Donnell:

H. B. No. 835, A bill to be entitled "An Act relating to depositors' guaranty fund by calling attention to the

fact that certain sums of money have been on deposit for several years with the State Treasury and on deposit with certain banks over the State, which funds rightfully belong to depositors of the defunct banks named herein and to member banks who had placed in the hands of the State Banking Commissioner the aforementioned funds as a guaranty fund for the protection of their depositors and providing for the appointment of a legislative committee of five of the Forty-second Legislature, etc., and declaring an emergency."

The rule requiring committee report to lie over 24 hours was suspended by a two-thirds vote.

The committee report was adopted.

On motion of Senator Loy the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 835 was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

The bill was read second time and passed to third reading.

On motion of Senator Loy the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 835 was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Holbrook.
Berkeley.	Hopkins.
Cousins.	Hornsby.
Cunningham.	Loy.
DeBerry.	Martin.
Gainer.	Moore.
Greer.	Neal.
Hardin.	Oneal.

Parr.	Small.
Parrish.	Stevenson.
Patton.	Thomason.
Poage.	Williamson.
Pollard.	Woodruff.
Purl.	Woodul.
Rawlings.	Woodward.
Russek.	

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

#### S. C. R. No. 53.

The question recurred upon the motion to refer S. C. R. No. 53 to the Committee on Finance. The motion prevailed.

#### Senate Bill No. 495.

The Chair laid before the Senate on its second reading the following bill:

By Senator Neal.

S. B. No. 495, A bill to be entitled "An Act requiring the Game, Fish and Oyster Commissioner to set aside and designate portions of the fresh water lakes, streams, creeks, rivers, lagoons and ponds of this State as fish sanctuaries for the propagation of their natural state of fresh water fish, etc., and declaring an emergency."

The Chair substituted for S. B. No. 495 the following House Bill; which Senator Neal called up from the table:

H. B. No. 749, A bill to be entitled "An Act requiring the Game, Fish and Oyster Commission to set aside and designate portions of the fresh water lakes, streams, creeks, rivers, lagoons and pounds of this State as fish sanctuaries for the propagation of their natural state of fresh water

fish, etc., and declaring an emergency."

The committee amendments were adopted.

The bill was read second time and passed to third reading.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 749 was put on on third reading and final passage, by the following vote:

**Yeas—30.**

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

**Absent.**

Oneal.

Read third time and finally passed by the following vote:

**Yeas—30.**

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

**Absent.**

Oneal.

**House Bill No. 215.**

The Chair laid before the Senate on its second reading the following bill:

By Mr. Burns of Walker, Mr. Daniels, Mr. Shelton, Mr. Grogan, Mr.

Harrison of Waller, Mr. Barron, Mrs. Rountree, Mr. Strong, and Mr. Lilley:

H. B. No. 215, A bill to be entitled "An Act repealing House Bill No. 114, Chapter 68, page 181, Acts Forty-first Legislature, First Called Session, and declaring an emergency."

Read second time.

Senator Poage sent up the following amendment:

Amend H. B. No. 215 by adding the following:

"Nothing herein shall apply to the counties of McLennan, Fall, Limestone, or Milam, but the present laws shall remain in full force and effect in each of those counties.

POAGE.

Read and adopted.

Senator DeBerry sent up the following amendment:

Amend H. B. No. 215 by striking out the counties comprising the Eighth Senatorial District of Red River, Lamar, Delta, Franklin, Hopkins—

Counties of the 15th Senatorial District.

Counties of the 20th Senatorial District.

Counties of the 16th Senatorial District.

Counties of the 14th Senatorial District.

Counties of the 17th Senatorial District.

Counties of the 28th Senatorial District.

Counties of the 10th Senatorial District.

Counties of the 11th Senatorial District.

DeBERRY.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Thomason, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 215 was put on its third reading and final passage by the following vote:

**Yeas—31.**

Beck.	DeBerry.
Berkeley.	Gainer.
Cousins.	Greer.
Cunningham.	Hardin.



Holbrook.	Pollard.
Hopkins.	Purl.
Hornsby.	Rawlings.
Loy.	Russek.
Martin.	Small.
Moore.	Stevenson.
Neal.	Thomason.
Oneal.	Williamson.
Parr.	Woodruff.
Parrish.	Woodul.
Patton.	Woodward.
Poage.	

Read third time and finally passed.

#### House Bill No. 29.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Cox of Limestone:

H. B. No. 29, A bill to be entitled "An Act appropriating fifteen hundred dollars to be applied upon the purchase of a statue to be placed upon the Fort Parker Monument, when a like sum is raised by public subscription; appointing commissioners to purchase said statue and use said funds therefor, and to withdraw such appropriation upon their affidavits of the collection of such like sum by public subscription; providing for selection of successors, in case of necessity, of such commissioners, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Poage, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 29 was put on its third reading and final passage by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed.

#### House Bill No. 658.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Pope:

H. B. No. 658, A bill to be entitled "An Act to regulate all personal, physical, mental endurance contests in public competition for prizes and awards and admission fees; prescribing penalties, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 658 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent.

Oneal.

Read third time and finally passed.

#### House Bill No. 867.

Senator Woodul called up from the table the following bill:

H. B. No. 867, A bill to be entitled "An Act to amend Article 775 of Chapter 3, Title 9, of the Code of Criminal Procedure of Texas, of 1925, prescribing when the sentence shall be an indeterminate sentence, and fixing the time a penitentiary sentence shall begin to run; and declaring an emergency."

Senator Small sent up the following substitute for the committee amendments:

Amend H. B. No. 867 by striking out the last sentence of Article 775 and insert in lieu thereof the following:

"In cases where no appeal is taken, the sentence shall begin to run on the day same is pronounced, but where an appeal is taken and the defendant is in jail or the penitentiary his sentence shall begin to run with the date of the mandate, and in every such case the commitment shall so state. Where an appeal is taken and the defendant is at large on bond or recognizance, when the case is affirmed the clerk of the trial court, on receipt of the mandate from the Clerk of the Court of Criminal Appeals, shall issue a commitment, and when the defendant is taken into custody under such commitment, the officer executing same shall endorse thereon the date the defendant was taken into custody, and the endorsement on this commitment shall constitute the date on which the sentence shall begin to run, and such defendant named in the commitment shall be admitted to the penitentiary by virtue of such commitment."

WOODUL,  
SMALL.

Read and adopted.

The amendment as substituted was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Woodul, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 867 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent.

Oneal.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent.

Oneal.

**Motion to Concur.**

Senator Russek moved to concur in House amendments to S. B. No. 165. The motion prevailed by the following vote:

Yeas—30.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent.

Oneal.

**House Bill No. 553.**

The Chair laid before the Senate on its second reading the following bill:

By Mr. West of Cameron:

H. B. No. 553, A bill to be entitled "An Act declaring the counties of Cameron, Willacy, Hidalgo, Starr,

Zapata, Jim Hogg, Brooks, Kennedy, Kleberg,, Nueces, Jim Wells, Duval, Webb, San Patricio, Refugio, Bee, Live Oak, McMullen, LaSalle, Dimmit, Maverick, Zavala, Frio, Atascosa, Wilson, Karnes, DeWitt, Victoria, Goliad, Calhoun, Aransas to constitute what shall be known in the future as the citrus zone of this State, etc., and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Stevenson, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 553 was put on its third reading and final passage by the following vote:

## Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

## Yeas—29.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Present—Not Voting.

DeBerry. Oneal.

## House Bill No. 805.

The Chair laid before the Senate the following bill:

H. B. No. 805, A bill to be entitled "An Act making appropriations to pay miscellaneous claims against the State of Texas, and authorizing payment of said miscellaneous items to taking effect of this Act, and declaring an emergency."

The rule requiring Committee reports to lie over 24 hours was suspended by a two-thirds vote.

The Committee report was adopted.

The Committee amendments were adopted.

Senator Holbrook sent up the following amendments:

Amend Committee Substitute for House Bill No. 805 by adding at the end of said Committee Senate Substitute Bill the following:

"Pay to Clark Dredging Company of Galveston, Texas, as a refund on overpayment of franchise tax Three Hundred Twenty-one (\$321.00)."

HOLBROOK.

Read and adopted.

Amend Committee Substitute for House Bill No. 805 by adding at the end of said Committee Senate Substitute Bill the following:

Pay to the following landowners in Brazoria County, Texas, the amounts set opposite their names:

Mrs. Hannah Phelps .....	\$ 53.70
Mrs. E. W. McCormick .....	8.25
Rapid City Gulf Coast Development Company .....	16.72
E. A. Hudson .....	33.00
C. H. Wright .....	26.40
F. J. Linderman .....	21.00
Mrs. Alice Cousins .....	32.40
J. C. Hughes .....	31.35
H. J. McMurtrie .....	21.15
Russell McMillan .....	26.40
W. F. Britton .....	52.80
C. McElveen .....	20.55
M. M. Uufers .....	54.00
J. E. Leavitt, et al. ....	100.14
J. W. Thier .....	34.11
Bay City Cattle Company .....	32.70
W. L. McCormick and W. H. Burts .....	18.30
Total .....	\$582.97

The above sums of money are due these several land owners to cover over-payment made to the State of state taxes through the tax collector

of Brazoria County, for the year 1924.

HOLBROOK.

Read and adopted.

Senator Poage sent up the following amendment:

Amend C. S. H. B. No. 805, page 1692 of the Senate Journal by adding between the claims of Miss Maud Reichaw and of Charlie Workman, the following:

"To pay Hubert McLellan of Waco, Texas, for injuries received while working for the State Highway Department for settlement in full Five Hundred (\$500.00) Dollars, and change grand total to conform."

POAGE.

Read and adopted.

Senator Hornsby sent up the following amendment:

Amend C. S. H. B. No. 805 by inserting therein the following: "To pay the Farmers' Mutual Insurance Association of Burnet County, Texas, for refund of franchise taxes illegally collected by the Secretary of State and paid by the said Insurance Association for the years 1917 to 1929 inclusive in the sum of One Hundred and Thirty (\$130.00) Dollars."

HORNSBY.

Read and adopted.

Senator Pollard sent up the following amendment:

Amend H. B. No. 805 by adding the following item at the proper place:

"To pay Richard Isbell, Ore City, Upshur County, Texas, for cattle killed by dipping as required by statute \$750.00.

POLLARD.

Read and tabled on motion of Senator De-Berry.

Senator Woodruff sent up the following amendment:

Amend Senate Substitute H. B. 805 by inserting the following:

To pay City National Bank of Mineral Wells, Texas, refund of over payment of franchise tax \$50.00. To pay State National Bank of Mineral Wells, Texas over payment of franchise tax \$50.00 and change grand totals to conform.

WOODRUFF.

Read and adopted.

Senator Hardin sent up the following amendment:

Amend Committee Substitute H. B. 805, by inserting the following:

To pay Ringling Bros. refund on gasoline tax exempt \$73.20. (Claim supported by affidavits.)

HARDIN.

Read and adopted.

Senator Oneal sent up the following amendment:

Amend C. S. H. B. No. 805 by adding between the line beginning with the word "Gatesville" and the line beginning with the word "grand", page 1695 of the Senate Journal, the following:

"to pay Wichita Falls Oxygen Company, S. R. Hoard, J. H. Allison, C. C. Caviness, and R. O. Kenley, of Wichita County, Texas, to refund franchise tax paid to the Secretary of State, though not due, \$45.60."

ONEAL.

Read and adopted.

Senator Greer sent up the following amendment:

Amend C. S. H. B. 805 by inserting therein the following: "To pay the Corsicana Cotton Mills of Corsicana, Texas, for refund of Franchise taxes illegally collected by the Secretary of State and paid by the said Corsicana Cotton Mills for the years 1922-1929 A. D. inclusive in the sum of (\$3,385.00) Three Thousand Three Hundred Eighty-five Dollars.

GREER.

Read and adopted.

Senator Parr sent up the following amendment:

Amend Committtee Substitute H. B. No. 805, page 1695 of Senate Journal, by adding the following claims at the End of S. B. No. 287:

To pay First State Bank of Corpus Christi, Texas, "In-county witnesses fees" of the following witnesses:

State of Texas vs. Alejandro Rodrigues, selling intoxicating liquor in local option territory—

Olan Cox .....\$10.50

State of Texas vs. John Morales, selling intoxicating liquor in local option territory—

F. E. McBride .....\$9.00

State of Texas vs. Charles Siebert, murder—

Joe Salazar .....\$9.00

Tom Torkelson .....	\$10.50
Philip Singer .....	\$6.00
State of Texas vs. A. Fonseca, selling intoxicating liquor in local option territory—	
H. V. Hardesty .....	\$10.50
Don C. Byrden .....	\$10.50
State of Texas vs. Rosendo Montoya, for murder—	
Cheno do los Santos .....	\$3.00
Angel Gutierrez .....	\$3.00
Cecilia Ybarro .....	\$3.00
E. G. Castleberry .....	\$3.00
Antonio Hernandez .....	\$3.00
State of Texas vs. Nathan White for murder—	
Wm. Walker .....	\$13.50
Art McKenzie .....	13.50
Wm. Powers .....	22.50
E. M. Steen .....	40.50
Willie Smith .....	16.50
Viola Walker .....	7.50
Walter Weekly .....	4.50
State of Texas vs. Rafael Blanco, unlawfully selling intoxicating liquor in local option territory—	
A. L. Lindsey .....	\$10.50
R. A. Kelly .....	10.50
Tom Galloway .....	10.50
E. Hope .....	10.50
Ernest Wynn .....	10.50
Total witness fees due the First State Bank of Corpus Christi, Texas .....	
	\$252.00
PARR.	

Read and adopted.

Senator Small sent up the following amendment:

Amend C. S. House Bill No. 805 by adding at the proper place the following:

"To pay Groom Mutual Hail Association excess franchise tax illegally collected, \$1520.79."

SMALL.

Read and adopted.

Senator Parrish sent up the following amendment:

Amend C. S. H. B. No. 805 by adding thereto the following:

"To pay R. D. Shumate, of Stanton, Martin County, Texas, for Deficiency Certificate No. 29, issued by the Comptroller's Department on April 27th, 1931, for attached witness fees .....

\$52.05,"

and by changing the Grand Total to conform therewith."

PARRISH.

Read and adopted.

Senator Hardin sent up the following amendment:

Amendment to C. S. to House Bill No. 805.

Amend H. B. No. 805 by adding a new section to read as follows:

"To pay Twin Six Oil Company, Inc., of Amarillo, Texas, J. W. Beasley, Vice-President, for refund of production tax .....

\$177.49

"To pay Westex Oil Company, of Amarillo, Texas, J. Ray, President, for refund of production tax \$7,424.94.

"To pay South Hutchinson Oil Company, of Amarillo, Texas, W. T. Coble, President, for refund of production tax .....

\$99.09."

HARDIN.

Read and adopted.

Senator Poage sent up the following amendment: :

Amend C. S. H. B. No. 805 by adding just before the grand total the following:

"To pay J. M. Walker, of Briscoe County for refund of bail bonds paid to the State under the mistake of fact Twenty-six Hundred (\$2600.00) Dollars, and change the grand total to conform. Provided, however, that this sum shall not be paid until the Attorney General of this State shall have filed with the Comptroller a written opinion to the effect that said claim is, if the facts be as alleged, a valid claim against the State of Texas."

POAGE.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Hardin the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 805 was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Oneal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Poage.
Hardin.	Pollard.
Holbrook.	Purl.
Hopkins.	Rawlings.
Hornsby.	Russek.
Loy.	Small.
Martin.	Stevenson.

Thomason.  
Williamson.  
Woodruff.

Woodul.  
Woodward.

Read third time and finally passed.

#### Reason for Vote.

On H. B. No. 805, I vote No because the bill as considered and passed out of the Claims Committee was promiscuously amended on the floor of the Senate.

DeBERRY.

#### Conference Committee Report.

Senator Hornsby sent up the following Conference Committee report:

Hon. Edgar E. Witt, President of the Senate.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Gentlemen: We, the Free Conference Committee on Senate Bill No. 5, being An Act to amend Chapter 8, being Senate Bill No. 57, General Laws, Fourth Called Session, Forty-first Legislature, and Chapter 10 of Title 122 of the Revised Civil Statutes of Texas of 1925, by adding to it another Article to be known as Article 7335-A, limiting the power of commissioners' courts to make contracts in connection with the collection of delinquent taxes; limiting the compensation that can be paid under such contracts; and declaring an emergency; have had the same under consideration, and beg leave to report it back with recommendation that it do not pass, but that the following Committee Substitute Bill do pass in lieu thereof:

C. S. S. B. No. 5.

#### A BILL To Be Entitled

"An Act declaring the policy of the State with reference to delinquent taxes; providing for the collection of said taxes and for the installment of a tax or flat system; and providing for the Comptroller and the Commissioners' Courts of the several counties to employ competent persons to collect delinquent taxes and to install a tax or flat system; and declaring an emergency.

Section 1. It is hereby declared the policy of the State to adjust de-

linquent taxes, correct errors, to eliminate conflicts in surveys of land, and to collect the delinquent, occupation, franchise and Ad Valorem Taxes, in order to clear this State of such taxes, errors and conflicts at the earliest date possible, and to provide a system for assessors, in order to eliminate the numerous errors that now appear on the tax rolls each recurring year.

Sec. 2. Cost of collecting delinquent taxes shall not exceed the amount of penalty and interest, or an amount equal to such penalty and interest of all delinquent taxes collected. Any county desiring to install a tax or plat system and clear the county of errors, conflicts and unknown owners, may do so by paying not to exceed 15% of the delinquent taxes collected, which payment shall cover the cost of records and installing same.

Sec. 3. In order to speedily carry out the provisions of this Act, the State Comptroller and the Commissioners' Court of each of the several counties may employ competent persons to do the work and to furnish the Comptroller and the Commissioners' Courts all cases where adjustment is necessary; and in all such cases the Commissioners' Court shall make proper settlement or adjustment.

Sec. 4. This Act is not intended to change any law now in effect regarding the collection of delinquent taxes, but to be an aid to the officials in the discharge of their duties, and when the delinquent taxes in a county are adjusted, corrected and collected, the Comptroller shall take necessary steps to see that all delinquent taxes are collected within a reasonable time after they become delinquent, in order to avoid the necessity of again employing additional help.

Sec. 5. The fact that officials have let State taxes become delinquent to the amount of approximately \$20,000,000.00, most of which can be collected by adjustment and correction of errors, and the further fact that counties where land conflicts causes millions of dollars of property to appear on the tax rolls that does not exist, which facts show the necessity for a tax system, and the further fact that the State and counties are in need of their money, creates an emergency and a public

necessity exists requiring the suspension of the Constitutional Rule that requires bills to be read on three several days, and said Rule is hereby suspended and this Act shall take effect on the date of its passage, and it is so enacted.

PURL,  
HORNSBY,  
WOODRUFF,  
LOY,

On the part of the Senate.

WEINERT,  
BARRON,  
RATLIFF,  
FERGUSON,  
HANNA,

On the part of the House.

Read and adopted by the following vote:

Yeas—30.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Nay—1.

DeBerry.

#### Motions to Concur.

Senator Holbrook moved to concur in House amendments to S. B. No. 218. The motion prevailed.

Senator Holbrook moved to concur in House amendments to S. B. No. 184. The motion prevailed.

#### House Bill No. 1001.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 1001, A bill to be entitled "An Act amending Article 614, Revised Criminal Statutes of Texas, 1925, governing roping contests; providing a penalty; and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Martin, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 1001 was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Rawlings.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Hopkins.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Oneal.	Woodward.
Parr.	

Nays—6.

DeBerry.	Neal.
Holbrook.	Poage.
Hornsby.	Purl.

#### House Bill No. 454.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Reader and Mr. Sherrill:

H. B. No. 454, A bill to be entitled "An Act to amend Article 4469, Title 71, Chapter 3, of the Revised Civil Statutes of the State of Texas, 1925, providing for the registration and registration fee of importers and manufacturers of foods and drugs, and defining manufacturers and importers, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Williamson, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 454 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Hornsby.
Berkeley.	Loy.
Cousins.	Martin.
Cunningham.	Moore.
Gainer.	Neal.
Greer.	Oneal.
Hardin.	Parr.
Holbrook.	Parrish.
Hopkins.	Patton.

Poage.  
Pollard.  
Rawlings.  
Russek.  
Small.  
Stevenson.

Thomason.  
Williamson.  
Woodruff.  
Woodul.  
Woodward.

Nays—2.

DeBerry. Purl.

Read third time and finally passed  
by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
Gainer.	Pollard.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Nays—2.

DeBerry. Purl.

#### House Bill No. 1055.

The Chair laid before the Senate  
on its second reading the following  
bill:

H. B. No. 1055, A bill to be en-  
titled "An Act authorizing commis-  
sioners' courts in any county having  
not less than 10,135 and not more  
than 10,145, according to the United  
States census of 1930, and having an  
area of not less than 3,000 square  
miles, to allow the county judge and  
each county commissioner certain ex-  
penses for traveling and in connec-  
tion with the use of his automobile  
etc., and declaring an emergency.

The bill was read second time and  
passed to third reading.

On motion of Senator Berkeley the  
constitutional rule requiring bills to  
be read on three several days was  
suspended and H. B. No. 1055 was  
put on its third reading and final  
passage, by the following vote:

Yeas—31.

Beck.	Cunningham.
Berkeley.	DeBerry.
Cousins.	Gainer.

Greer.  
Hardin.  
Holbrook.  
Hopkins.  
Hornsby.  
Loy.  
Martin.  
Moore.  
Neal.  
Oneal.  
Parr.  
Parrish.  
Patton.

Poage.  
Pollard.  
Purl.  
Rawlings.  
Russek.  
Small.  
Stevenson.  
Thomason.  
Williamson.  
Woodruff.  
Woodul.  
Woodward.

Read third time and finally passed  
by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

#### House Bill No. 654.

The Chair laid before the Senate  
on its second reading the following  
bill:

H. B. No. 654, A bill to be entitled  
"An Act requiring any party, offering  
or quoting for sale certain perishable  
farm products to quote the quantity  
of the commodity actually offered  
and providing that no party shall  
so offer or quote for sale any such  
commodity except the owner or such  
other party as may be duly author-  
ized, in writing, and that no offering  
or quotation shall be made by any  
party unless such commodity is, in  
fact, then in physical existence in the  
quantity offered and ready for bona  
fide sale and delivery by such party;  
and providing penalties for the viola-  
tion thereof, and declaring an emer-  
gency."

The committee report was adopted.  
Read second time.

On motion of Senator Small, the  
bill was laid on the table subject to  
call.



**Motion to Concur.**

Senator Martin moved to concur in House amendments to S. B. No. 220. The motion prevailed by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Senator Woodul moved to concur in House amendments to S. B. No. 223. The motion prevailed by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

**Motion to Reconsider.**

Senator Martin called up the motion spread on the Journal to reconsider the vote by which H. B. No. 737 was finally passed.

Senator Martin withdrew the motion.

**Motion to Concur.**

On motion of Senator Patton, the Senate concurred in House amendments to S. B. No. 170.

**Conference Committee Appointed.**

The Chair announced the appointment of the following Conference Committee.

Senate Conference Committee on S. B. No. 263, Greer Neal, Patton, Woodruff and Moore.

**House Bill No. 473.**

The Chair laid before the Senate on its second reading the following bill:

By Mr. Wienert and Mr. Johnson of Dimmit:

H. B. No. 473, A bill to be entitled "An Act regulating the filing and recording of maps and plats of subdivisions and re-subdivisions of real estate and conveyances of a subdivision or part thereof without duly authorized map thereof on record, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 473 was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	Greer.
Berkeley.	Hardin.
Cousins.	Holbrook.
Cunningham.	Hopkins.
DeBerry.	Hornsby.
Gainer.	Loy.

Martin.	Rawlings.
Moore.	Russek.
Neal.	Small.
Oneal.	Stevenson.
Parr.	Thomason.
Parrish.	Williamson.
Patton.	Woodruff.
Poage.	Woodul.
Pollard.	Woodward.
Purl.	

**H. C. R. No. 70.**

The Chair laid before the Senate:  
H. C. R. No. 70, Authorizing certain corrections to H. B. No. 434.  
Read and adopted.

**H. C. R. No. 69.**

The Chair laid before the Senate:  
H. C. R. No. 69, Authorizing certain corrections in H. B. No. 375.  
Read and adopted.

**House Bill No. 251.**

Senator Poage moved to take up H. B. No. 251. The motion prevailed by the following vote:

Yeas—22.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Hornsby.	Small.
Loy.	Thomason.
Moore.	Woodul.
Neal.	Woodward.

Nays—5.

Holbrook.	Stevenson.
Martin.	Williamson.
Parr.	

Absent.

Gainer.	Oneal.
Hopkins.	Woodruff.

Senator Martin raised the point of order that all amendments added to the bill by the Senate were out of order.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order.

Senator Martin received unanimous consent to write out his point

of order and have it incorporated in the record.

The bill was read third time.

Senator Purl sent up the following amendment:

Amend substitute to House Bill No. 251 by striking out Sections 36a, 36b, 36c and 36d, providing for a tax of ten cents per 100 pounds on cement manufactured industrially and on cement imported into the State.

Purl, Williamson Thomason, Poage, Loy, Oneal, Patton, Greer.

The amendment was read.

Senator Hornsby sent up the following substitute for the amendment:

Substitute for Purl Amendment, strike out the words and figures 10 cents in Hopkins amendment and insert in lieu thereof the words and figures 5 cents per sack of 100 pounds or 20 cents per barrel of four sacks.

HORNSBY,  
PARRISH.

The substitute was read.

Recess.

Senator Parr moved to recess until 9 o'clock tomorrow morning. The motion prevailed by the following vote:

Yeas—15.

Cousins.	Parrish.
Cunningham.	Patton.
Greer.	Pollard.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Williamson.
Martin.	Woodward.
Parr.	

Nays—11.

Berkeley.	Oneal.
DeBerry.	Poage.
Hardin.	Purl.
Loy.	Woodruff.
Moore.	Woodul.
Neal.	

Absent.

Beck.	Russek.
Gainer.	Thomason.
Rawlings.	

At 5:58 o'clock p. m., the Senate recessed.

## APPENDIX.

## Committee on Enrolled Bills.

Committee Room,  
Austin, Texas, May 18, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 490 carefully examined and compared and find same correctly enrolled.  
GREER, Chairman.

Committee Room,  
Austin, Texas, May 19, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 83 carefully examined and compared and find same correctly enrolled.  
GREER, Chairman.

Committee Room,  
Austin, Texas, May 19, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 415 carefully examined and compared and find same correctly enrolled.  
GREER, Chairman.

## Committee Reports.

Committee Room,  
Austin, Texas, May 19, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 31, Proposing to amend Article 7, of the Constitution of Texas by adding a new Section providing that the Legislature shall have power to provide that students within High School grades, residing within School Districts having no High School, may attend High School in any other District, and that their tuition be paid by the State and the rate thereof be fixed by the Legislature.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOLBROOK, Chairman.

Committee Room,  
Austin, Texas, May 19, 1931.  
Hon. Edgar E. Witt, President of the Senate:

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 860, A bill to be entitled "An Act repealing Chapter 23, Acts 2nd Called Session, 41st Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,  
Austin, Texas, May 19, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 1050, A bill to be entitled "An Act applying to Johnson and Ellis Counties, making it unlawful to seine, catch or possess, minnows for sale or commercial purposes, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,  
Austin, Texas, May 19, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 54,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,  
Austin, Texas, May 18, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 805, A bill to be entitled "An Act making appropriations to pay miscellaneous claims against the State of Texas, and authorizing payment of said miscellaneous items to taking effect of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee Amendments,, which is Committee Substitute Senate Bill No. 287, and that it be not printed.

BECK, Chairman.

Committee Amendment No. 2 to House Bill No. 805.

Amend H. B. No. 805 by striking out all above the enacting clause and inserting in lieu thereof the following:

#### A BILL

#### To Be Entitled

An Act making appropriations to pay miscellaneous claims against the State and authorizing payment of said miscellaneous claims on taking effect of this Act, providing how such claims shall be paid, repealing certain appropriations made in Senate Bill No. 17, Acts of the Regular Session of the Forty-second Legislature, and re-appropriating such item in this bill, and declaring an emergency.

Committee Room,

Austin, Texas, May 19, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 798, A bill to be entitled "An Act to amend Article 119 of the Revised Civil Statutes of 1925, so as to change the population of towns coming within its scope from two thousand (2,000) to five hundred (500); and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

ONEAL, Chairman.

Committee Room,

Austin, Texas, May 19, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

H. B. No. 835, A bill to be entitled "An Act relating to Depositors' Guaranty Fund by calling attention to the fact that certain sums of money have been on deposit for

several years in the State Treasury and on deposit with certain banks over the State, which funds rightfully belong to depositors of the failed banks named herein and to member banks who have placed in the hands of the State Banking Commissioner and in the State Treasury the aforementioned funds as a Guaranty Fund for the protection of non-interest bearing unsecured deposits of said banks; providing for the distribution of the sums herein mentioned to the depositors of the nine (9) failed banks and to the member banks who had placed these funds in the hands of the Banking Commissioner and State Treasury; providing for the expense incident to carrying out the provisions of this bill, ratifying the order of the State Banking Board as herein provided; providing that no suit may be filed except when the right is expressly given herein; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RUSSEK, Chairman.

Committee Room,

Austin, Texas, May 19, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 514, A bill to be entitled "An Act imposing an occupation tax on certain persons engaging in the business of selling and otherwise disposing of pistols, as herein defined; providing for the obtaining of licenses by such persons; authorizing counties and municipalities to impose a tax; providing for the keeping of records; prescribing conditions incident to the sale of pistols under named conditions, and providing the Act shall not affect the law relating to the carrying of pistols; prescribing offenses and fixing punishments; repealing Article 7068; making exceptions; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

SMALL, Chairman.

By Turner et al. H. B. No. 514.

A BILL  
To Be Entitled

An Act imposing an occupation tax on certain persons engaging in the business of selling and otherwise disposing of pistols, as herein defined; providing for the obtaining of licenses by such persons; authorizing counties and municipalities to impose a tax; providing for the keeping of records; prescribing conditions incident to the sale of pistols under named conditions and providing the Act shall not affect the law relating to the carrying of pistols; prescribing offenses and fixing punishments; repealing Article 7068; making exceptions, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That hereafter there shall be collected from every person, firm or corporation engaging in the business of bartering, leasing, selling, exchanging, or otherwise dealing in pistols for profit, whether by wholesale or retail, an annual occupation tax of Ten Dollars (\$10.00), to be paid on or before January 1st of each year, and to be paid before continuing said business, within thirty (30) days from the effective date hereof. Before so engaging in said business, each such dealer shall obtain a license therefor, to be issued by the County Tax Collector of each county in which the applicant has a place of business, and for each separate place of business. The Comptroller of Public Accounts shall furnish said forms to the Tax Collectors.

Sec. 2. The Commissioners' Court of the several counties, as well as municipalities, shall also have the power to levy and collect such a tax, equal to one-half of the amount herein levied.

Sec. 3. Each such dealer shall keep a permanent record of all such pistols bartered, leased, or otherwise disposed of, as above. Such record shall show the number of the pistol, name of the manufacturer, date of transaction, salesman, purchaser, and their addresses, which said record shall at all times be accessible to the Comptroller, Prosecuting Attorney, Grand Jury, and Attorney General, and a copy of this record shall be mailed to and filed

for record with the State Adjutant General's Department. This filing to be made each three (3) months.

"Pistol," as used herein, shall include every kind of pistol, revolver, automatic, semi-automatic, magazine pistol, and every other such short firearm intended or designed to be aimed or fired from one hand.

Sec. 4. If any person shall knowingly sell, rent, or lease any pistol to a minor, or any other person under the heat of passion, he shall be guilty of a misdemeanor; or, if any person violates any of the provisions hereof, he shall be guilty of a misdemeanor, and upon conviction, punished by a fine of not less than Ten Dollars (\$10.00), nor more than Two Hundred (\$200.00) Dollars, provided that no person may purchase a pistol unless, said purchaser has secured from a Justice of Peace, County Judge, or District Judge, in the county of his or her residence a certificate of good character. Said certificate to be kept with the permanent record of the dealer. No person may purchase a pistol who has served a sentence for a felony.

Nothing in this bill shall affect the law against carrying pistols.

Sec. 5. That Article 7068 of the Revised Civil Statutes of 1925 be and the same is in all thing repealed.

Sec. 6. Provided, however, that no such person shall be required to have a license or pay the tax where such person is engaged exclusively in selling pistols to the Militia of the United States or other agencies of the Federal Government authorized by law to purchase the same.

Sec. 7. The fact that there is no adequate tax on dealers in pistols, and that pistols are being sold by dealers to persons in the heat of passion, which should be prohibited, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and that this Act shall take effect and be in force and after its passage, and said Rule is hereby suspended, and it is so enacted.

Committee Room,

Austin, Texas, May 19, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 803, A bill to be entitled "An Act directing the Treasurer of the State of Texas to pay to Henry W. Baylor, William F. Hardeman, George W. Baylor, Charles W. McFaddin, Oscar D. Baker, George S. Stockley, Sidney J. Baylor, Leon Heard, Wyatt Heard, James Whitecotton, Mrs. Mittie A. Smith, Mrs. Alexander Wilkerson, Mrs. John H. Affleck, and Mrs. Sarah Cunningham, each, the sum of Three Hundred Sixty Dollars (\$360.00); said persons being members, or the surviving wives of deceased members, of the Montel Guards, officially designated at Company "G", First Texas Cavalry; providing for the manner and method of proof of these persons being entitled to such payment; providing for said payment to be made out of any moneys or funds of the State not otherwise appropriated, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

BECK, Chairman.

By Johnson of Dimmit. H. B. No. 803.

#### A BILL

##### To Be Entitled

An Act directing the Treasurer of the State of Texas to pay to Henry W. Baylor, William F. Hardeman, George W. Baylor, Charles W. McFaddin, Oscar D. Baker, George S. Stockley, Sidney J. Baylor, Leon Heard, Wyatt Heard, James Whitecotton, Mrs. Mittie A. Smith, Mrs. Alexander Wilkerson, Mrs. John H. Affleck, and Mrs. Sarah Cunningham, each, the sum of Three Hundred Sixty Dollars (\$360.00); said persons being members, or the surviving wives of deceased members, of the Montel Guards, officially designated as Company "G", First Texas Cavalry; providing for the manner and method of proof of these persons being entitled to such payment; providing for said payment to be made out of any moneys or funds of the State not otherwise appropriated, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The Treasurer of the State of Texas is hereby authorized and directed to pay unto Henry W.

Baylor, William F. Hardeman, George W. Baylor, Charles W. McFaddin, Oscar D. Baker, George S. Stockley, Sidney J. Baylor, Leon Heard, Wyatt Heard, James Whitecotton, Mrs. Mittie A. Smith, Mrs. Alexander Wilkerson, Mrs. John H. Affleck and Mrs. Sarah Cunningham, only surviving members and the only surviving wives of deceased members, respectively, of the Montel Guards, officially designated by the military authorities of this State as Company "G", First Texas Volunteer Cavalry, organized during the year, A. D. 1881 and mustered out of the service of the State of Texas during the year, A. D. 1882, and to each of them the sum of Three Hundred Sixty Dollars (\$360.00), upon her or his making the proof herein after prescribed; said payments to the aforesaid persons to be made out of any State moneys or funds not otherwise appropriated.

Sec. 2. The persons entitled to the moneys and payment under this Act shall make application for the same in writing and under oath to the County Judge of his or her county. Such application shall state the name, age, and residence of the applicant; and in the case of a surviving widow named herein, she shall also state the name of her deceased husband. Each applicant shall furnish the testimony of at least one credible witness who personally knows that he, or her deceased husband, served in the military organization hereinabove named and during the time and term specified. If he or she cannot secure the testimony of one such witness, he or she may furnish documents or other evidence of his said service or service of her deceased husband.

Sec. 2a. Any County Judge receiving such application shall examine same, and if in his judgment found to comply with the requirements hereinabove set forth, shall approve same, and immediately forward to the State Comptroller, who shall examine same, and if found to comply with the provisions of this Act, draw his warrant upon the State Treasurer, for the amount hereinabove set forth, in favor of the parties entitled to same.

There is hereby appropriated the sum of Five Thousand, Forty Dollars (\$5,040.00) or so much thereof, as may be necessary to pay said claims,

and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated.

Sec. 3. The fact that the herein named men, and the husbands of the said surviving widows, served on the frontier of the State of Texas during the years, A. D. 1881, and A. D. 1882, in the military service of the State of Texas, and that they furnished their own horses, rations, and ammunition at their own proper expense, and that they participated in several battles and skirmishes with raiding Indians and protected the frontier from marauding Mexicans, and that the State of Texas has never paid these veterans or the surviving widows named any sum, nor granted them any nature of reward or bounty, for such service, horses, rations, and ammunition; and that these said survivors and surviving widows of the members of said organization, are aged, many of them feeble, indigent, and in sore need create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be and the same is hereby suspended and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

## SEVENTY-SECOND DAY.

(Continued.)

Senate Chamber,  
Austin, Texas,  
May 20, 1931.

The Senate met at 9 o'clock a. m., pursuant to recess, and was called to order by President Pro Tem. Carl Hardin.

## House Bill No. 842.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 842, A bill to be entitled "An Act authorizing the executor or administrator of estates, upon application and order authorizing same, to renew and extend obligations owing to or by such estates, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Small, the

constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 842 was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
	Woodward.

Oneal.

Read third time and finally passed.

## House Bill No. 251.

The question recurred upon the substitute for the amendment to H. B. No. 251.

The substitute and the amendment were withdrawn.

Senator Hopkins sent up the following amendment:

Amend Substitute to H. B. 251 by substituting for Sections 36a, 36b, 36c and 36d, the following, viz:

There is hereby levied a tax of five (\$.05) cents per hundred pounds on all cement used within this State, whether manufactured within or without this State. Such tax shall be paid only once for each hundred pounds of cement used, and, for all cement used in this State which is manufactured or sold in intrastate commerce within this State, the tax shall be paid by the person, firm or corporation manufacturing the same or making the first sale, in intrastate commerce thereof within this State; and for all cement used in this State not purchased in intrastate commerce in this State, the tax shall be paid by the person, firm or corporation using the same. Every person, firm or corporation liable for the payment of such cement tax, on or before the tenth day of April, July, October and January of each year shall make a report to the Comptroller of Public Accounts, sworn to